



# City of Lowell - Planning Board

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## PLANNING BOARD BY-LAWS

### ARTICLE I: AUTHORITY

#### SECTION 1.1: *State Authority*

The City of Lowell Planning Board operates under the authority delegated to municipalities under Chapter 41, Section 81 A – Section 81G, of the Massachusetts General Laws.

#### SECTION 1.2: *City Authority*

The authority for the City of Lowell Planning Board is found in Municipal Ordinance and in the City of Lowell Zoning Ordinance.

### ARTICLE II: Definitions

#### SECTION 2.1: *Terms*

1. “Annual Meeting” means the September meeting of the Planning Board.
2. “Board” means the City of Lowell Planning Board.
3. “Board Member” means a member of the Planning Board appointed by the City Manager.
4. “Governing Body” means the City Manager and the City Council of the City of Lowell
5. “Planning Officer” means the staff member who shall act as technical advisor to the Planning Board.

### ARTICLE III: POWERS AND DUTIES

#### SECTION 3.1: *City Provisions*

1. Composition; qualifications and appointment of members:  
The Planning Board shall consist of not less than five (5), nor more than nine (9) members. Each of the members will be appointed by the City Manager. All of the Board members shall be residents of the City of Lowell.
2. Terms of members: filling vacancies

The members shall be appointed for terms of either one, two, three, four, or five years, which will begin on September 1 and end on September 1 of the relevant years. Any vacancy in membership may be filled by appointment by the City Manager. Such appointment shall be for the unexpired term.

The City Manager may appoint any member for successive terms.

To fill a vacancy of an appointed member, the City Manager may follow this procedure or any part thereof. The Planning Officer shall notify the City Manager thirty days prior to the end of the term or terms to expire. The City Manager shall receive applications for membership on the Planning Board. The City Manager shall fill any vacancy he may choose to fill, provided the Board shall never have less than five members.

In reviewing the qualifications of current appointed members to the Planning Board, the City Manager shall consider the following, among others:

- i. Attendance and participation at meetings of the Board.
- ii. A witnessed knowledge of and experience in dealing with questions of community growth and development.

The City Manager may excuse any current member of the Planning Board from some or all of the formal application requirements.

3. Compensation of Members

The Chairman of the Planning Board shall receive a stipend of an amount approved by the Governing Authority. The stipend shall be dispersed in monthly increments.

The appointed members of the Planning Board shall receive a stipend of an amount approved by the Governing Authority. The stipend shall be dispersed in monthly increments.

4. Removal of Members

Any appointed member of the Planning Board may be removed by the City Manager for malfeasance in office. Such removal may be made only after a public hearing, which such member is given an opportunity to appear and be heard on the charges against him.

The Planning Board shall have all the powers and duties, which are now or may hereafter be granted to or imposed upon such Boards by state law and in this By-Law or other ordinances.

5. Staff Support

The Division of Planning and Development, the Law Department, and the Engineering Department shall provide staff support to the Planning Board as may be reasonably required.

**SECTION 3.2: *Massachusetts State Law***

The Planning Board shall follow the guidelines for service as outlined in Chapter 41, Section 81A to 81G. The Planning Board shall have all the powers, rights, and duties conferred upon it by that law as amended.

**ARTICLE IV: OFFICERS AND DUTIES**

**SECTION 4.1: *Officers***

The officers of the Board shall consist of a Chairman, a Vice Chairman, and a Second Vice Chairman. In addition, officers shall include an appointee to the Lowell Historic Board and an appointee to the Northern Middlesex Council of Governments.

**SECTION 4.2: *Terms of Office***

Each of the officers shall be elected at the annual meeting of the Board to serve for a term of one year, unless removed sooner by the Board, or until his successors elected. Any vacancy occurring in an office shall be filled for the unexpired term by the Board at the regular monthly meeting following the occurrence of such vacancy.

**SECTION 4.3: *Election***

Elections for all officers shall be made at the annual meeting of the Board. Nomination of officers shall be made from the floor and a candidate receiving a majority vote of the membership of the Planning Board in attendance and voting at said meeting shall be declared elected and shall take office immediately.

**SECTION 4.4: *Chairman***

The Chairman shall preside at all meetings on the Board at which he is present and may participate in the discussion and may vote on all questions. He shall be responsible for the implementation of the internal policies established and the actions taken by the Board and shall have all of the powers and duties customarily pertaining to the office of the Chairman; and shall perform such further duties as may be assigned to him by the Board.

**SECTION 4.5: *Vice-Chairman***

The Vice-Chairman shall, in the event of the absence of the Chairman from any meeting, or of his incapacity to perform any of the duties of his office or to exercise any of his powers, perform such duties and possess such powers as are conferred upon the Chairman, and shall perform such other duties as may from time to time be assigned to him by the Chairman or by the Board.

**Section 4.6: *Second Vice-Chairman***

The Second Vice-Chairman shall, in the event of the absence of the Vice-Chairman from any meeting, or of his incapacity to perform any of the duties of his office

or to exercise any of his powers, perform such duties and possess such powers as are conferred upon the Vice-Chairman, and shall perform such other duties as many from time to time be assigned to him by the Chairman of by the Board.

#### SECTION 4.7: *Execution of Instruments*

The Planning Officer, upon authorization by the Board, shall have the power to sign in its behalf any document or other instrument to be executed by the Board. Unless otherwise provided, he or she shall sign all official correspondence of the Board.

### ARTICLE V: MEETINGS AND VOTING

#### SECTION 5.1: *Regular Meetings*

Regular monthly meetings of the Board shall be held at 6:30 p.m. on dates to be determined by the Board in the City Council Chambers, Mayors Reception Room, the Division of Planning and Development Conference Room or another suitable public meeting place. The schedule of meeting dates for any calendar year shall be voted upon no later than December 1 of the prior calendar year. The Board may change the date and time of any regular meeting at any prior meeting and may adjourn any meeting from time to time or to another place.

The agenda at all regular meetings shall include, but not be limited to the following:

1. Call to Order and Determination of a quorum present
2. Approval of minutes of previous meeting(s) & Roll Call of Neighborhood Groups
3. Public Hearings (if scheduled)
4. New Business
5. Old Business
6. Other Business
7. Planning Board Member Comments Period
8. Adjournment

All meetings of the Board shall be open to the public and records of the Board shall be public record. All meetings shall meet the requirements set forth in the latest edition of Robert's Rules of Order.

#### SECTION 5.2: *Special Meetings*

Special meeting may be called by the chairman at his discretion or by any two members of the Board. The Planning Officer shall mail to all members, citizens, and organizations requesting notification, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting or if all members are present at the special meeting or file a written waiver of notice.

No special meeting may be called without a specific stated agenda or purpose.

### SECTION 5.3: *Public Hearings*

The Board shall hold such public hearings as required by the Lowell Zoning Ordinance and Massachusetts State Law. The purpose, time, and place of such public hearings shall be published according to Massachusetts State Law, Chapter 30A.

### SECTION 5.4: *Quorum*

No official business shall be conducted without a quorum present. A majority of the appointed members shall constitute a quorum.

In the event a quorum is not present, the Board members available are authorized to request the chairperson to reschedule the meeting to another date and to adjourn the meeting. If the date is other than a regular meeting date, is other than a regular meeting date, the Planning Officer shall have the responsibility of providing adequate notice to the Board members, municipal officials, and the general public.

### SECTION 5.5: *Voting*

Each member of the Board shall be entitled to one vote on matters before the Board. All members present shall vote on all matters unless prevented by law from doing so. All actions of the Board shall require a majority vote of all members present and voting.

### SECTION 5.6: *Parliamentary Procedure*

In all matters of parliamentary procedure not specifically governed by these By-Laws, Roberts Rules of Order shall apply.

### Section 5.7: *Priority Development Sites*

All projects that require a Planning Board Special Permit and Site Plan Review that are located within the boundaries of a Priority Development Site shall be issued within 180 calendar days after the filing of a complete application with the appropriate body as specified in the Lowell Zoning Ordinance. Decisions may include approval, approval with conditions, or denial of the proposed project.

### SECTION 5.8: *Voting Procedure for Absent Members*

In reference to M.G.L Ch. 39, Sec. 23D, which was approved by the City Council on September 28, 2010, Planning Board members shall be permitted to vote on a matter where they missed one session of an adjudicatory hearing, given they have reviewed the materials presented and the proceedings of the hearing by video or audio recording where he/she was absent and certify in writing that they have reviewed the content in its entirety prior to Board taking action on the item.

## ARTICLE VI: AMENDMENTS

### SECTION 6.1: *Amendments*

Any proposed amendment, repeal, or alteration, in whole or in part, of these By-Laws shall be presented in writing and placed on the public agenda of the Planning Board

for a first time at a regular meeting of the Planning Board. Such proposal may be considered and amended at such meeting, but shall not be acted upon by the Board until a subsequent regular meeting, or a special meeting called for that purpose. At such subsequent meeting, the proposal shall be placed on the public agenda of the Planning Board a second time, shall be subject to further consideration and amendment, and then or later be acted upon.